RAILWAYS ACT, 1921.

PROCEEDINGS OF RAILWAY RATES TRIBUNAL.

1. MINIMUM DISTANCES.
2. MILEAGE GRADATIONS.
3. FORM OF SCHEDULES OF STANDARD CHARGES.

THURSDAY, MARCH 22ND, 1923.

JUDGMENT.

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PROCEEDINGS OF RAILWAY RATES TRIBUNAL.

THURSDAY, MARCH 22ND, 1923.

PRESENT:

W. B. CLODE, Esq., K.C. (*President*).
W. A. JEPSON, Esq.
GEO. C. LOCKET, Esq., J.P.

JUDGMENT.

The following is the unanimous decision of the Tribunal. The question for the decision of the Tribunal is whether under the circumstances presented to us Companies should provide forms in Part VII of the Schedules to be deposited under Section 30 of the Railways Act, 1921, for "Standard Charges" to be made for Season Tickets, and for "Standard Fares" to be taken for workmen by workmen's trains. Jurisdiction as to these forms is given to the Tribunal by Section 30 (2) and the Fouth Schedule of the Railways Act, 1921. The circumstances are that the Companies propose in the future as in the past to issue Season Tickets for commuted payments and to carry workmen by workmen's trains at workmen's fares; the question is whether in this state of circumstances forms for "Standard Charges" for Season Tickets and "Standard Fares" for workmen must be given in the schedules.

By Section 30 the constituent Companies in each group shall jointly and with the consent of the Tribunal any one or more of such Companies may submit "a schedule of the standard charges proposed to be made by the amalgamated Company into which they are formed according to the Classification fixed as aforesaid and shall (except as hereinafter provided) show in that schedule the rates for the conveyance of merchandise, the amounts of terminal charges and the fares for the conveyance of passengers and their luggage."

By the interpretation clause for this part of the Act "charges" includes rates, fares, tolls, dues and other charges. "Rates" means "rates and other charges in connection with the carriage of merchandise": "Fares" means "fares and other charges in connection with the conveyance of passengers and their luggage."

Fully to understand the provisions of Section 30 and the arguments which have been addressed to us it is necessary to glance at the practice in these matters which prevailed at the time the Act of 1921 was passed.

Merchandise was then divided into eight classes, A, B, C, 1, 2, 3, 4, and 5, for the conveyance and handling of which appropriate maximum rates and charges were provided by the Schedules of Maximum Rates and Charges under which the Companies worked. These Schedules were divided into six parts, Part I., Goods and Minerals. Part II., Animal Class. Part III., Carriages. Part IV., Exceptional Class. Part V., Perishable Merchandise by Passenger Train. Part VI., Small Parcels by Merchandise Train.

Fares and Charges for Passengers were not dealt with by the Schedules of Rates and Charges mentioned above, but were provided for by provisions in the Statutes under which the respective Companies worked and were at so much per mile according to the class of carriage in which the passenger was conveyed.

No Act has been brought to our notice in which provision has been made for the issue of Season Tickets for commuted payments. The provision for workmen's trains and workmen's fares has been dealt with as follows:

Prior to the year 1883 certain Statutory provisions existed under which the public had an extremely limited right of travelling at the rate of one penny per mile; but in the year 1883, a new departure was made. By the Cheap Trains Act of that year certain exemptions from passenger duty were given to the railway companies; but such exemptions could be revoked if a due and sufficient proportion of the accommodation provided was not provided for passengers at fares not exceeding the rate of 1d. per mile, or if upon any railway carrying passengers, proper and sufficient workmen's trains were not provided for workmen going to and returning from their work at such fares and at such times between six o'clock in the evening and eight o'clock in the morning as appear to the Board of Trade (now Ministry of Transport) to be reasonable. Ultimately and after inquiry before the Railway and Canal Commissioners an order could be made upon the company to provide such accommodation or workmen's trains at such fares as having regard to the circumstances might appear to be reasonable. A Company could not be forced to comply with the Order but if they did not they lost the exemption from duty.

Briefly the Ministry of Transport could and, if their powers under the Act of 1883 are not impaired by the Railways Act of 1921, still can, bring pressure of a fiscal nature upon any railway company or amalgamated company to provide what the Act requires or to lose the benefit of the exemption.

In addition to the foregoing provisions it was brought to our notice that in certain Acts authorising the construction and working of certain railways in or in the neighbourhood of London provisions for cheap trains for the labouring classes had been inserted. Also that upon the group of railways known as the Underground Railways (*i.e.*, the London Electric, Metropolitan District, City and South London, and Central London) a common limit for workmen's fares had been prescribed in a consolidating provision.

It was admitted, however, that by the operation of Section 33 of the Railways Act, 1921, this latter group of railways was not as regards fares subject to the provisions of the Act of 1921.

No other Statutory Provisions under which workmen's trains and fares were provided were brought to our notice.

Such was the state of the law upon the above points when the Act of 1921 was passed, a word as to the practice previous to 1921 may be added.

Experience showed that the transport of merchandise could not with benefit either to the companies or the public be carried on by an inflexible application of the "Class Rates," either maximum or "actual," owing to the varying circumstances of trade: to meet this "exceptional rates" modifying the class rates were introduced and at the time of the introduction of the Act of 1921, it has been estimated that between 75 per cent. and 80 per cent. of the merchandise of the Country was carried at "exceptional rates."

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Similarly it was found that neither the convenience of the public nor the prosperity of the railways would be met by an inflexible application of the scales of passengers fares provided by the respective Acts and numerous modifications were introduced in the form of Season Tickets, Return Tickets, Week-end Tickets, Tourists Tickets, Excursion Tickets, and Workmen's Tickets, besides Tickets for Clubs and Societies such as Golf and Fishing.

It was not brought to our notice that any of these facilities other than workmen's fares, and these only to a limited extent mentioned above, had been the result of Statutory enactment. The evidence showed that prior to the passing of the Act of 1921 it was the almost universal practice of railway companies to issue "Season Tickets" for commuted payments, and to run at appropriate times workmen's trains at workmen's fares: in addition some companies between certain specified points made their ordinary trains available if starting before a certain time for workmen with workmen's tickets.

It was under these circumstances that the Act of 1921 was introduced and passed. *Inter alia* it provided for a new and extended classification, which has now been undertaken and almost completed, with the object of extending the number of classes of merchandise and thereby reducing the number of "exceptional rates" by converting rates which theretofore were "exceptional" into class, or, if the expression be legitimate, "standard" rates: while at the same time carrying over and continuing such "exceptional" rates as would not be met by the new classification, and continuing the power to grant "exceptional rates" subject to the jurisdiction of the Tribunal.

On the other hand it did not provide for any new classification of passengers who will continue to classify themselves according to the class of carriage which they select or the circumstances under which they travel. But it is recognised that there will be "exceptional fares" just as there are "exceptional rates" (section 41). This power is a permissive one to charge fares below the standard fares in such circumstances as the company may think fit, subject to certain safeguards provided by the section.

By the interpretation clause the expression "exceptional charges" means below the standard charges—and the expression "exceptional rates" and "exceptional fares" are to be construed accordingly. (Sec. 57).

Both "standard" and "exceptional" rates, fares and charges are ingredients in making up the "standard revenue," but exceptional "rates" or "fares" will not under the provisions of the Act appear in the Schedules of "standard Charges." (Secs. 58 and 59).

A very wide jurisdiction as to both "standard" and "exceptional" rates and fares has been given to the Tribunal.

It is in the light of the foregoing circumstances that the provisions of Section 30 should be considered.

Under Section 30 a company's obligation is in the first instance to submit to the Tribunal a schedule of the "standard charges proposed to be made by the amalgamated company": it is for the Tribunal to prescribe the parts into which it shall be divided and, subject to some limitation, the forms to be adopted: next to "settle" the schedules of charges, after which the charges so fixed are to be known as the "standard charges" which charges the company shall be entitled to make.

It should be noted that the principle of maximum charges, i.e., charges chargeable within the limits of the maximum at the discretion of the company is abandoned. The provisions of Section 31 are that "no variation either upwards or downwards shall be made from such authorised (i.e., standard) charges": but it is recognised that the practice of granting "exceptional rates, fares or charges" may be continued, the concluding words of the section being "unless by way of an exceptional rate or an exceptional fare continued granted or fixed under this Act or in respect of competitive traffic in accordance therewith." All these continuations, grants and fixings are placed under the jurisdiction of the Tribunal, whose jurisdiction over rates, fares and charges is, therefore, a very wide one. A company appears from the foregoing provisions to be placed as to rates, fares and charges in this situation that any charge for the conveyance of merchandise or passengers which it proposes to make must be included in one or other of the categories "standard" or "exceptional"; there appears to be no chargeable "rate, fare or charge" for the conveyance of merchandise or passengers which is in neither class.

It will be seen that by the language of Section 30 the obligation of selecting the "standard rates" which are to be entered in the Schedule is in the first instance thrown upon the company, the words being "a Schedule of the Standard rates *proposed to be made* by the amalgamated company": and although a company is required by the words which follow the excepting provision to show "the rates for the conveyance of merchandise and the fares for the conveyance of passengers and their luggage," and these words are by the interpretation clause expanded to their widest meaning, the rates, fare and charges to be entered in the schedule must still be in the nature of "standard rates, fares and charges," inasmuch as it is such "standard charges" that it is the object of the Schedule to provide.

But the significant words are "proposed to be made by the amalgamated company": at this stage a company has to ask itself what charges either "standard" or "exceptional" it proposes to make, and to bear in mind that it is not as formerly within the maximum a free agent in the matter, but has to fit its proposed charges into one or other or both of the categories "standard or exceptional," and even if it contemplates having to deal with any particular traffic largely as "exceptional," it may still have to provide a "standard" in the Schedule, as "exceptional" is created with reference to and in terms of the "standard," and without a "standard" may not be capable of existing as "exceptional."

It is at this point that the questions under consideration have arisen. The Companies are to deposit their schedules if posible before, but in any case not later, than 30th June next. In the meantime and and that there might be no delay they deposited with the Tribunal "Provisional Proposals" in respect of forms of "Schedules;" the public have been invited to consider these proposals; and after objections had been filed and sittings of the Tribunal held all objections to the Provisional Proposals have been withdrawn or settled other than those against Part VII. being the "Provisional Proposals of the Railway Companies in respect of the form of Schedule of Charges for the Conveyance of Passengers." The objectors are satisfied with the form so far as it goes but they say that it is not complete, and that in addition to what it contains it should contain a form for "a standard charge for season tickets" and a form for "standard fare for workmen's tickets."

Joint evidence on behalf of all the Companies included in the recent amalgamations was called both upon the question of "Season Tickets," Traders' Tickets" and Workmen's Fares;" the evidence is printed in extenso and can be referred to but it can be shortly summarised as follows:—

First as to Season Tickets. It was proved that the Companies had for a great number of years adopted a practice of issuing Season Tickets to the public, but how or when the practice originated was uncertain, but in all cases for a lump sum payment or consideration; that with regard to many of these "considerations" no explanation could be given of the method upon which they had been assessed or calculated as the practice had not been initiated or developed upon any rate or scale but fixed at what was considered reasonable at the time and what the

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public were willing to pay: that more recently Companies had for their own guidance, but not for the information of the public, adopted scales of charges for Season Tickets, that there was no uniformity between the scale (such as it might be) of one Company and another, or between the various scales which a single Company might and did have in existance at the same time; and that a Company always reserved the right to withold the facility of a Season Ticket or to issue Season Tickets at any time it might determine, for the purpose of fostering or developing the traffic of a particular district.

The evidence may be analysed as follows: but in reading it, it should be borne in mind that the particulars of which are given in the First Schedule to the Act have only just been completed: that the amalgamated Companies appear to have taken over reference to Season Tickets "en bloc" and that there has not as yet been time to consolidate and simplify them. Thus, when a witness speaks of the Great Western Railway having 8 scales for Season Tickets, it means that since and in consequence of the amalgamation it has that number (q. 882.) operating upon various parts of its extended system; not necessarily upon the same part of it.

Bearing this in mind, the evidence is as follows: The Season Ticket business of all Companies falls into two divisions "Residential Season Tickets," operating within an area of some 30 miles from a given centre; and "Long Distance Season Tickets" for any distance from 31 to 1,000 miles. Taking the total issue of all Companies of Season Tickets over 90 per cent. of it is of "Residential Season Tickets" and about 6 per cent. of it of "Long Distance Season Tickets (q. 959, 960.). Both heads of business "residential" and "long distance" are dealt with by a "scale" or "scales," of some sort but some so-called "scales" are so capricious in their incidence that perhaps the word "list" would be more appropiate (q. 1010.), on the other hand and upon other systems, the old North Eastern for instance, the "scale" system has been more uniformly applied (q. 62-65.) a "residential" scale from 2 to 20 miles is in existence, it has been found easy with some exceptions to apply it (q. 65.).

Examining the state of the business between the two extremes of "list" and "uniformity" given above, the following conditions prevail:—The season ticket business of the 13 great companies, now four, was worked as follows:—Dealing with the "residential" business first: Each of the companies had a "general" or "ordinary" or "normal" scale (q. 877, 879 and 881), which "scales" were not identical with one another. Each had "exceptional" scales to meet the varying conditions of different parts of their individual systems (q. 881), in addition to which there existed a number of "exceptional rates" for season tickets, being again exceptions to the "exceptional" scales to meet the "local conditions," *i.e.*, competition with other systems or arising from road motor or 'bus competition (q. 884). These "exceptional rates" are to be found at every large centre—London, Birmingham, Bristol, Manchester, Sheffield, Leeds, Bradford, Nottingham and Leicester (q. 911) and inasmuch as these "exceptional rates" are in operation in the large centres, where the bulk of traffic passes, probably the companies issue more tickets at the "exceptional rates" than at the "(exceptional) scale rates" (q. 912), although the exact proportion of each is difficult to give (q. 1035).

The witnesses for the railway companies illustrated by tables the different charges which, under the foregoing state of things, were made by different companies and even by the same company for equivalent distances, but the foregoing analysis, it is believed, adequately describes the state of things which existed at the amalgamation, and now exists, with regard to "residential season ticket" practice.

With regard to "long distance season tickets" (about 6 per cent. of the whole issue), more agreement appeared to prevail; the "long distance" or "Clearing House Scale" was adopted by four companies in its entirety, viz., the North-Western, the Great Northern, the Great Central and the Midland, and partially by the Great Western and the South-Western, *i.e.*, companies which are in competition over large areas, but other companies do not adopt it at all (q. 945-951), possibly because they do not need it. All this evidence was presented to show that it would be difficult to frame a "standard" of general application for season ticket charges, and that, if framed, it would be subject to so many "exceptions" that in practice it would be of little or no use.

With regard to "Workmen's tickets and workmen's fares," the evidence was summarised and illustrated by tables put before us by Mr. Cox, of the South-Eastern Section of the Southern Railway.

Accepting provisionally and temporarily the return journey at a single fare as, in the words of the witness, the "standard" (q. 1132) charge for a workman on a workman ticket, a table (E.C.C. 1) giving a summary of passengers booked at workmen's and colliers' fares by the Cheshire Lines Committee, Great Western, London and North-Eastern, London, Midland and Scottish, Metropolitan, and Southern for the month of January, 1923, gave the following results:—

Of the total tickets issued, 52 per cent. were at "the standard" and 48 per cent below it; of the journeys made 54 per cent. were at the standard and 46 per cent. below; of the money received 42 per cent. was from the standard and 58 per cent. below.

The number of bookings below the "standard" were accounted for by two causes; one that some Companies issued weekly books of "workmen's tickets" which gave a lower fare than the "standard fare," and that a limitation placed by the Ministry of Transport upon the Company's power of increasing workmen's fares have prevented them from raising some of them to the "standard."

In the above table (E.C.C.1.) the percentages for all the Companies given were made up from the respective percentages of the amalgamated Companies and these again from the percentages of the constituent Companies.

These figures were not seriously challenged by the opponents although some minor criticisms were established. It was, however, pointed out with some force that to-day the "exceptions" to ordinary Third Class Fares for which a "standard fare" had been provided were exceedingly numerous, and that the exceptions to a "standard workmen's" fare, if provided, would probably not be more numerous (1171-1174) and that therefore the possible existenceu of a large number of "exceptions" could not be a fatal objection to the introduction of a "standard."

Although perhaps it should not be pressed too hardly against the witnesses it is noticeable that there was throughout the evidence a tendency to refer to the return journey at a single fare as the "standard" for workmen's tickets, and it is noticeable that when before the Railway Rates Advisory Committee in 1920, proposals were on foot for dealing with workmen's fares "the proposal put forward by the Railway Companies was that workmen's fares should be fixed for the double journey at third class fare cheaper for the single journey over the same route, this being in effect that they should pay half the ordinary third class fare." (q.1164).

No evidence was called either by the L.C.C., the National Association of Railway Travellers, the National Association for the Promotion of Cheap Transit, or the Brighton and Hove Season Ticket Holders and Railway Passengers Association, who were asking that forms for standard charges for season tickets and standard fares for workmen's tickets should be included in the Schedules and it was on the above evidence and the arguments in connection therewith that we have had to consider their respective claims.

Our jurisdiction arises under sub-section (2) of Section 30, and we interpret that sub-section as giving

us a discretion within the limits of the Act to require a Company to insert in its Schedules such forms as are in our opinion necessary fully to carry out the purposes of the Act. The purposes of the Act in our opinion require that the Schedules should be in such a form as will contribute to precision when the Tribunal endeavours to discharge its duties under Sections 58 and 59 of the Act and at the same time form the authentic Statutory basis for the rates, fares and charges which a Company can make to the public for the conveyance of such traffic as it proposes to carry.

In our opinion those Schedules will contribute most to precision and at the same time afford the most serviceable basis of charge to the public, which are as far as possible comprehensive, will reduce the number of exceptional charges, and standardise the charges for such traffic as is capable of being dealt with; they would not be comprehensive if they excluded such large portions of traffic as are dealt with by way of Season tickets or workmen's fares.

We recognise, as the Act recognises, that to any Schedule of Standard Charges there must be exceptions, by way of modification but not by way of omission as the Railway Companies propose, but bearing in mind the object for which the classification has been introduced, the limitations placed by Section 35 upon exceptional rates, the abolition by Section 32 of the power which a Company formerly possessed of making any charge it pleased within the maximum and the restricted powers of granting exceptional fares under Section 41, we have come to the conclusion that an intention to standardise rates and fares and to keep "exceptional" rates and fares within the limits implied by their title, can be collected from the terms of the Act.

Adopting this as the general purpose of the Act we have approached its interpretation.

No definition of the expression "standard" is given in the Act, but it is used as the correlative or complementary term to "exceptional," thus it would seem to be something in the nature of a Rule or scale in the absence of special circumstances. It may also mean something which is to be used for the purpose of comparison. It appears to be a new expression in relation to railway rates but is found in such expressions as "standard rates of wages" and "standard conditions" in reference to Contracts. The only other uses of the word in the Act are in connection with the "standard terms and conditions of carriages for all Railway Companies," which under Sections 42—45 the Tribunal are to settle, and the "Standard Revenue."

The fact that it is used as the correlative or complementary to "exceptional" and that there is no third alternative, necessitates that every chargeable rate, fare or charge for conveyance must be included in one or other of the categories of "standard" and "exceptional." This has important consequences. Hitherto outside the areas covered by their express charging powers the Companies have had what they call a "free hand," and they have been able, by virtue of their general power of accepting traffic and charging for it, to make such charges as in their discretion they deem just and reasonable, and it is in this way that they have hitherto provided and, so far as we can see, well provided for Season ticket charges: But if the two categories of "standard" and "exceptional" are correlative and exhaust the possibility of charging this "free hand" of the Companies has gone. Even if they desire to deal with any traffic as "exceptional," they are by the terms of the Act subject to the jurisdiction of the Tribunal, whether the matter be one of "rates" or "fares."

Further, if the interpretation of "exceptional" as "something below the standard" (Section 57) is considered, it seems to involve the somewhat paradoxical result that even if a Company desires to treat any conveyance charge, either wholly or partially, as "exceptional" it must have a "standard" for the service: as "exceptional" can only be ascertained with reference to the standard for that charge.

Applying these considerations to the matters before us and dealing first with the question of Season Ticket charges our judgment is as follows.

We find upon the evidence before us that the Companies have hitherto dealt with season ticket business partly by scale and partly by exception to scale: that they propose to continue to conduct this business in the future: that it is business which can properly be dealt with under the Act by way of "standard charges" and "exceptional charges" and we are of the opinion that it is the intention of the Act that it should be so dealt with. So far, therefore, as the question of the inclusion of a form for a "standard charge" for season tickets is a matter for the exercise of our discretion we find in favour of the inclusion of a form for this purpose; but, if the interpretation of the Act at which we have arrived is correct, it would seem to be obligatory upon the Companies by the terms of the Act, if they desire to conduct season ticket business in the future, to insert a "standard charge" in the schedule.

The Companies have inserted in their Schedule a form for "standard fares" and the question, therefore, is whether this is sufficient. We are of the opinion that it is not, and for this reason. It was admitted at the Bar by Counsel for the Railway Companies, and very properly admitted as it could not be otherwise contended, that a charge for a "Season ticket" was not a "fare" within the meaning of the Act. but a "charge"; this submission will be found on page 16, and was the basis of the argument that not being "fares" these charges could be excluded from the schedule. The Companies are therefore in this situation they are proposing to make a charge for the conveyance of passengers: but are without a "standard," and therefore without any "authorised" charge for this service, and if our interpretation of the Act is correct their free hand has gone. But the business is one which according to the evidence is now conducted by "scale" and "exception," and is one which in the future will have to be provided for on a basis capable of meeting "exceptional" cases: But if this is so the provisions of Section 41 will have to be resorted to and they cannot apparently be resorted to unless a standard is fixed, for if you require a "standard fare" to enable you to produce an "exceptional fare" under the Section, you similarly require a "standard charge" to produce an "exceptional charge"; and for this reason we are of the opinion that as the Companies are proposing to conduct Season ticket business in the future as in the past upon the basis of a commuted payment or charge and desire to do it in the freest possible way that the Act allows, and as that business is a "business" which appears now to involve "scale charges" and "exceptional charges," they are compelled to insert a "standard charge" for it in the schedule and provide a form for so doing.

We think that the provisions of this form will facilitate the work of the Tribunal under Sections 58 and 59; Season ticket charges will thereby either be brought into the schedules or in exceptional cases left outside, but in some relation to the standard charge in the schedule.

We do not lose sight of the argument that any decision entailing the provision of a form for a "standard charge" for season tickets must lead to disturbance of existing arrangements and that a standard charge would be of little practical value.

Some disturbance must ensue but we think it possible that the disturbance may not be as great and the value of the standard greater than has been anticipated. The case was presented by the Railway Companies as if one standard charge would have to be laid down for all the amalgamated companies and some of the discrepancies alluded to arose from this method of comparison. In practice each amalgamated company will present its separate schedule. Again it was argued that one uniform scale could not be

adopted for the entire system of an amalgamated company because local conditions would always operate to produce "exceptions" to it. We think that this is probably so, but it should not be forgotten that the Act contains in Section 41 provisions for exceptional cases and that this provision is available if a "standard" is inserted. In any case these consequences appear to be entailed by the terms of the Act upon any Company who conducts "Season ticket" traffic in the future, and are entailed even when these terms are applied so as to give the greatest amount of freedom which the Act provides.

The case for a form for workmen's tickets by workmen's trains at workmen's fares is not precisely similar and is somewhat complicated by the existence of the Cheap Trains Act of 1883.

Here it might be argued that the provision of a form for a standard charge for workmen by workmen's train was unnecessary, inasmuch as the schedule contains a form for a standard for an ordinary Third Class fare, which fare might be considered as the standard in relation to a workmen's ticket, so as to make any further form unnecessary.

We have, therefore, to ask ourself in the first place whether the ordinary Third Class fare is at the present time the standard charge for a workmen's ticket by workmen's train; secondly, if not, whether any standard exists, and whether, if it exists, a form for a standard should be provided in the schedule.

After carefully reading the evidence of Mr. Cox and referring to the table C.C. 1, we have come to the conclusion and find as a fact that the ordinary Third Class fare is not at present the standard of a workmen's fare by workmen's train; that a standard does exist at present in reference to such traffic which is the standard proposed by the Railway Companies before the Advisory Committee in 1920.

Under these circumstances we are of opinion and for the reasons and upon the grounds stated in dealing with the standard for Season tickets that a form should be provided for a "standard fare" for workmen's fares by workmen's train.

We have further considered whether in so deciding we shall be in any way infringing any jurisdiction which the Ministry of Transport may have under Section 3 of the Cheap Trains Act, 1883, with regard to fixing reasonable fares for workmen by workmen's trains, a step which we should be most unwilling to take.

If, as has been contended, the operation of Section 34 of the Railways Act, 1921, is to repeal Section 3 of the Cheap Trains Act, either wholly or, as has been urged, to the extent to which it relates to fixing "reasonable fares" for workmen's tickets, leaving the Minister's jurisdiction as to the "services of trains" outstanding, no question of infringement can arise. Inasmuch, however, as the Cheap Trains Act, 1883, is not included in the "Schedule of Repealed Enactments appended to the Railways Act, 1921," and as Section 3 of the Cheap Trains Act is not primarily a "statutory provision with respect to charges for or in connection with the carriage of passengers by railway," but rather a section by which the Ministry of Transport has power to bring pressure upon third parties who have power to make such charges, we entertain considerable doubts if Section 3 is repealed at all.

We have, therefore, considered our decision in reference to the situation which would arise if Section 3 of the Cheap Trains Act, 1883, was still in force and unrepealed.

We have come to the conclusion that even in that event the existence of a standard charge for workmen's tickets would not hamper the Ministry in the exercise of their powers. We can see no reason why the Ministry should be desirous in any particular case of fixing a fare above the "standard," and, if they fix a fare which in relation to the standard is "exceptional" the Company can charge an "exceptional fare" under Section 41.

With regard to "Traders' tickets," inasmuch as the evidence shows (q. 962-964) that they are to-day dealt with upon a uniform, or, as the witness called it, a "standard scale," we think that a form for a "standard" for Traders' tickets should be added.

Mr. Bruce Thomas: The question will now arise as to when these forms should be submitted. I do not suppose they will be very complicated.

President: Yes. We will fix an appointment at your convenience. Do you want to do it at once?

Mr. Bruce Thomas: I suppose they will have to be deposited. We are not ready at once. It might be fixed after Easter. I do not suppose there will be any discussion upon them.

President: Very little, I should think.

Mr. Bruce Thomas: I think it would be sufficient, probably, if they were submitted to those who have appeared in opposition.

President: Yes, I should think so, decidedly; that would be all that was wanted.

Mr. Bruce Thomas: If you please, Sir.

(61062—22—11) Wt. P2561—1561 750 3/23 H. St. G. 71